

REMARKS

The Office Action of October 25, 2004, has been carefully considered. The changes suggested by the examiner have been added to the Specification and Claims.

The examiner rejected claims 11, 13, and 14 as anticipated by Ohori. Claim 11 has been amended to add the limitations of claim 12 which were indicated as allowable by the examiner. Claim 13 and 14 are dependent upon claim 11 and are believed allowable for that reason. Thus, it is believed that claims 11, 13, and 14 are allowable as amended.

Claims 1-7 were rejected as anticipated by Rende. Rende teaches a nail clipper which also functions as a pen light (note column 2, beginning at line 43) which states:

"As an added feature, the housing may incorporate an electric light with a battery, switch, and series electric circuit to operate the light. The device according to the invention, thus, doubles as a small pen light."

Further, in Rende, at column 5 beginning at line 4, the Specification states:

"As an added, advantageous feature, a small housing 50 may be attached (e.g. glued) to the bottom of the housing 26 to provide a pen light. The housing 50 contains an electric light 40, a battery 48, and an appropriate press switch with a series electric circuit that connects the light to the battery."

Thus, the teachings of Rende, as shown only in Figure 4 are to glue a battery and light to the bottom of the housing 26 (should be 29) and use the same as a small pen light. There is no suggestion that the light be used to illuminate a finger during a cutting operation and the pen light

of Figure 4 of Rende is not so positioned. Furthermore, the positioning of the pen light as indicated in Figure 4 is below the bottom of housing 29 and also behind the pin 24. Because of the thickness of the lower blade, the housing, and the spacing of the light below the top of its housing 50, the beam emitted from the pen light clearly would not be either close enough or directed high enough to illuminate the user's finger. See, for instance, Figure 2A of the drawings where the pen light of Figure 4 if glued below the nail clipper would be aimed clearly below a user's finger. Applicant has amended Claim 1 to call for a light source which emits a beam of light which will illuminate that portion of the interior of the finger under its nail so that the intersection between the extending portion of the nail and the finger is clearly visible.

A further limitation has been added to claim 3, requiring that the light source be positioned within the receptacle of the housing. Claim 4 of Rende shows the housing 28 above the pen light housing 50.

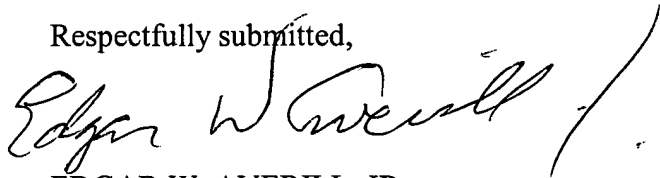
As pointed out in MPEP section 706.02:

"In other words, for anticipation under 35 USC §102, the reference must teach every aspect of the claimed invention, either explicitly or impliedly. Any feature not directly taught must be inherently present."

Rende teaches a pen light not aimed at the user's finger when a fingernail is in a cutting position and applicant's claims as amended require this feature that the beam of light will illuminate at least that portion of the interior of the finger under its nail.

It is believed that all remaining claims as amended are allowable and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edgar W. Averill, Jr.", with a long, sweeping horizontal stroke extending to the right.

EDGAR W. AVERILL, JR.

Attorney for Applicant

Reg. No. 24,752

Averill & Varn
8244 Painter Avenue
Whittier, CA 90602
(562) 698-8039